



NEWS RELEASE

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STATE PUBLIC DEFENSE OFFICE ISSUES REPORT ON EQUAL JUSTICE NEEDS OF PARENTS IN WASHINGTON STATE

OLYMPIA--The Washington State Office of Public Defense (OPD) released findings of a pilot project studying the effects of increased legal representation for indigent parents in dependency and termination proceedings. The 41-page report, available online at www.opd.wa.gov, evaluates impacts of increased representation in Benton-Franklin and Pierce County Juvenile Courts from August 2000 through November 2001.

Results of enhanced legal representation for parents include:

- Reunification between parents and children increasing an average of 60 percent (with an active increased caseload of 20 percent).
- Dramatic declines in attorney delays and continuances.
- Significant savings potential to the state in yearly foster care payments and/or paid adoption support payments after judicial officers determine children can be safely reunified with their families.

"This is an equal justice issue for thousands of parents throughout our state," said OPD Director Joanne Moore. Noting that under the law, safe family reunifications are a primary goal of court proceedings, Moore stated, "It is critical that parents' voices be fully heard by the court, which can occur when funding for legal representation is better balanced."

The pilot project was instituted in response to a 1999 OPD report documenting severe inequities between funding spent on the state's case against parents and county funding provided for parents' representation. In addition to increased funding for parents' attorneys, the '99 report also called for mandatory defense practice standards.

In releasing the pilot project report, Moore also noted that results show great promise in terms of conserving state resources needed for these cases. "Ultimately, increased reunifications under the pilot indicate that better representation has a potential for saving the state millions in yearly foster care payments."

To measure long-term impacts of improved defense services on the children and parents involved, OPD is requesting a one-year extension of legislative funding for the pilot project.

As a judicial branch agency, OPD was created by the Legislature in 1996 in order to implement the constitutional guarantee of the right to counsel.

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DEPENDENCY AND TERMINATION REPORT FREQUENTLY ASKED QUESTIONS

Q: What is the Office of Public Defense?

A: The Washington State Office of Public Defense (OPD) is an independent judicial branch agency. It was created by the Washington Legislature in 1996 and is governed by an advisory committee consisting of legislators, judges, attorneys, and lay people. The Legislature has established that a central part of the Washington State Office of Public Defense's mission is to implement the constitutional right to counsel.

Q: What led to the pilot project on dependency and termination hearings?

A: The 1999 Legislature directed the Washington State Office of Public Defense (OPD) to "recommend strategies to ensure that an equitable method for paying for indigent defense costs in dependency and termination proceeding is established." (Laws of 1999, SB 5744). In its report, *Costs of Defense and Children's Representation in Dependency and Termination Cases*, OPD found that severe inequities exist between the amount of state funding spent on the state's case and county funding provided for parents' defense. The report recommended that adequate state funding be appropriated for defense representation, accompanied by mandatory defense practice standards.

In response, the 2000 Legislature directed OPD to establish an adequate defense representation pilot program during fiscal year 2001 to be held in one eastern and one western Washington juvenile court.

Q: How are dependency cases filed in Washington?

A: Dependency cases are filed by the Washington State Department of Social and Health Services (Department) alleging child abuse and neglect in order to obtain court intervention to protect the child. Termination cases are filed by the Department to sever a parent-child relationship. In many of these cases, the Department initially removes the child from the home.

In most dependency and termination cases, the state is represented by the Attorney General's office (the Attorney General contracts with county prosecutors in some small counties to perform this function). Defense attorneys represent the parents, guardians, and legal custodians (generally referred to as parents in OPD's report). In the vast majority of cases, the parents are indigent.

Q: Who funds defense costs for indigent parents?

A: At present, county governments fund defense costs for indigent parents in these cases, while the state funds the costs of prosecution. The Washington State Office of the Attorney General represents the state's position.

Q: Why has the OPD requested a continuation of the pilot project?

A: OPD has requested that the Legislature fund an extension of the pilot next year in the amount of \$600,000. This will allow the measurement of the longer-term impacts of improved defense services on the overall timeliness and length of these cases and their outcomes for the children and parents involved.